

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UMB BANK, NATIONAL ASSOCIATION, AS  
TRUSTEE,

Plaintiffs,

v.

BLUESTONE COKE, LLC F/K/A ERP COMPLIANT  
COKE, LLC, THOMAS M. CLARKE, AND ANA M.  
CLARKE,

Defendants.

Case No. 20-CV-2043-LJL

**AFFIDAVIT OF SERVICE**

The undersigned Joseph Lombardo, hereby affirms under penalty of perjury as stated herein.

1. I am the attorney for Plaintiff UMB Bank, National Association in this matter.

2. Prior to this case being transferred from New York County I caused the following initiating documents to be served on Defendants Bluestone Coke, LLC and Thomas M. Clarke via process server: Summons, Notice of Motion for Summary Judgment in Lieu of Complaint, Memorandum in Support of Plaintiff's Motion for Summary Judgment in Lieu of Complaint, Affidavit of Gordon Gendler with Exhibits A-F, Request for Judicial Intervention, Commercial Division-Request for Judicial Intervention Addendum, Notice of Electronic Filing (Uniform Rule § 202.5-bb) in the above-entitled action upon:

3. True and correct copies of the process server's affidavits of service are attached hereto as Exhibit A.

4. Under 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 27, 2020.

By /s/ Joseph P. Lombardo

## **EXHIBIT A**

## SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

Index No. 650854/2020

UMB BANK, NATIONAL ASSOCIATION, AS TRUSTEE

Plaintiff(s) Petitioner(s)

against

02/06/2020

Calendar No.

BLUESTONE COKE, LLC f/k/a ERP COMPLIANT COKE, LLC, ET AL.

Defendant(s) Respondent(s)

1- AFFIDAVIT  
OF  
SERVICE

STATE OF DELAWARE, COUNTY OF: NEW CASTLE

Ss.:

The undersigned, being sworn, says: Deponent is not a party herein, is over 18 years of age and resides at Wilmington, DE

On 02/17/2020

at 12:30 P.M., at C/O CORPORATION SERVICE COMPANY, 251 LITTLE FALLS DRIVE, WILMINGTON, DE 19808

deponent served the within

- ☒ summons and complaint  
☐ subpoena duces tecum  
☐ citation

on

☒ defendant ☐ witness hereinafter called therein  
☐ respondent the recipient lamed

BLUESTONE COKE, LLC f/k/a ERP COMPLIANT COKE, LLC

INDIVIDUAL

1. ☐

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION

2. ☒

a DELAWARE corporation, by delivering thereat a true copy of each to LYNANNE GARES

personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be MANAGING AGENT thereof

SUITABLE  
AGE PERSON3. ☐by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.AFFIXING TO  
DOOR, ETC.4. ☐by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called thereMAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and depositedMAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to recipient at recipient's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION

☒

☐ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☒ Female ☐ Black Skin ☒ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☒ 5'4"-5'8" ☒ 131-160 Lbs.  
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. [- I Over 6' ☐ Over 200 Lbs.

Other identifying features:

WITNESS  
FEES☐

\$ the authorizing traveling expenses ☐ was paid (tendered) to the recipient  
and one days' witness fee: ☐ was mailed to the witness with subpoena copy.

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 02/17/2020

DENORRIS ANGELO BRITT  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires May 1, 2022

License No.

KEVIN S. DUNN

## Affidavit of Process Server

UMB Bank, National Assoc.  
Plaintiff/PetitionerVS. Bluestone Coke, LLC, et al.  
Defendant/Respondent650854/2020  
Case#

Being duly sworn, on my oath, I  
 declare that I am a citizen of the United States, over the age of eighteen and not a party to this action.

Service: I served

Thomas Matthew Clarke  
 NAME OF PERSON/ENTITY BEING SERVED

with the (documents)

- ☐ Subpoena with \$ \_\_\_\_\_ witness fee and mileage
- ☒ Summons, Notice of Motion for Summary Judgement in Lieu of Complaint, Memorandum in Support of Plaintiff's Motion for Summary Judgment in Lieu of Complaint, Affidavit of Gordon Gendler with Exhibits A-F Request for Judicial Intervention, Commercial Division-Request for Judicial Intervention Addendum and Notice of Electronic Filing (Uniform Rule § 202.5-bb)

by serving (NAME)

at ☐ Home☒ Business☐ on (DATE)

192 Summerfield Ct Ste 203 Rome VA 24019  
2/27/20 at (TIME) 9:50am

Thereafter copies of the documents were mailed by prepaid, first class mail on (DATE)

From (CITY)

(STATE)

## Manner of Service:

- ☒ By Personal Service
- ☐ By delivering, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof, namely, \_\_\_\_\_
- ☐ By leaving a copy at the defendant's usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards, and informing that person of the general nature of the papers \_\_\_\_\_
- ☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

## Non-Service:

After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ Unknown at Address ☐ Evading ☐ Other: \_\_\_\_\_
- ☐ Address does not exist ☐ Service cancelled by litigant \_\_\_\_\_
- ☐ Moved, Left no forwarding ☐ Unable to serve in a timely fashion \_\_\_\_\_

Service Attempts: Service was attempted on:

( )	( )	( )	( )	( )	( )	( )	( )
DATE	TIME	DATE	TIME	DATE	TIME	DATE	TIME
( )	( )	( )	( )	( )	( )	( )	( )

## Description:

- |  |                                   |   |                                     |  |   |  |
|--|-----------------------------------|---|-------------------------------------|--|---|--|
| <input checked="" type="checkbox"/> Male | <input type="checkbox"/> White    | <input type="checkbox"/> Black Hair           | <input type="checkbox"/> White Hair | <input type="checkbox"/> 14-20 Yrs.            | <input type="checkbox"/> Under 5'           | <input type="checkbox"/> Under 100 Lbs.          |
| <input type="checkbox"/> Female          | <input type="checkbox"/> Black    | <input type="checkbox"/> Brown Hair           | <input type="checkbox"/> Balding    | <input type="checkbox"/> 21-35 Yrs.            | <input type="checkbox"/> 5'-5'3"            | <input type="checkbox"/> 100-130 Lbs.            |
|  | <input type="checkbox"/> Hispanic | <input type="checkbox"/> Blond Hair           |                                     | <input type="checkbox"/> 36-50 Yrs.            | <input type="checkbox"/> 5'4"-5'8"          | <input type="checkbox"/> 131-160 Lbs.            |
| <input type="checkbox"/> Glasses         | <input type="checkbox"/> Asian    | <input checked="" type="checkbox"/> Gray Hair | <input type="checkbox"/> Mustache   | <input checked="" type="checkbox"/> 51-65 Yrs. | <input checked="" type="checkbox"/> 5'9"-6' | <input checked="" type="checkbox"/> 161-200 Lbs. |
|  | <input type="checkbox"/> Indian   | <input type="checkbox"/> Red Hair             | <input type="checkbox"/> Beard      | <input type="checkbox"/> Over 65 Yrs.          | <input type="checkbox"/> Over 6'            | <input type="checkbox"/> Over 200 Lbs.           |

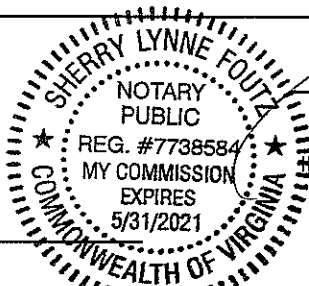
OTHER IDENTIFYING FEATURES:

State of Illinois County of Cook

Subscribed and sworn to before me

A notary public, this 27 day of Feb 2020

Notary Public



SERVED BY

LASALLE PROCESS SERVERS

ILLINOIS PRIVATE DETECTIVE LICENSE# 117-001432

CHARTER MEMBER NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS